

CITY OF TAKOMA PARK, MARYLAND
(Adopted April 25, 2005)

PRESENTATION, INTERVIEWS & WORKSESSION
OF THE CITY COUNCIL

Monday, November 15, 2004

Closed Session - 11/15/04 - On November 8, 2004, Council voted to convene in Closed Session on November 15, 2004. Moved by Seamens; seconded by Austin-Lane (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams). OFFICIALS PRESENT: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams; STAFF/OTHERS: Matthews, Waters, George, Silber, Robert Cox, Jeryl DePietro. The Council discussed the legal settlement with Knott Construction on claims relating to the Community Center Project, pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7).

OFFICIALS PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk / Treasurer Waters
Councilmember Barry	Deputy City Manager Hobbs
Councilmember Elrich	Police Chief Creamer
Councilmember Mizeur	Planner Blanchard
Councilmember Seamens	ECD Director Daines
Councilmember Williams	

The City Council convened at 7:50 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mr. Williams requested that staff ensure that the list of community organizations supplied to Park and Planning is accurate.

Ms. Mizeur announced that there will be a Ward 2 Forum on December 2 regarding the proposed community center bond, the proposed expansion of the Washington Adventist Hospital, and the state expansion of roads. Delegate Franchot will be in attendance at the forum.

PUBLIC COMMENTS

Nellie Moxley, President of Pinecrest, commented about a proposed development in the Pinecrest area. She also said that the Pinecrest community does not want a bond issued for completion of the community center. Once the cost becomes a part of the tax rate, it is hard to get rid of. Finish the work that is underway with the available funds. She encouraged the Council to find another way to fund the cost of completion.

Alice Lyons, said she is a 40-year resident of the city. She commented on her community activity as a Republican and noted the remarks and scorn stated at the polls and in the community. She said Republicans care just as much for current president as the Democrats care for Kerry. She is now President of the city's Republican committee and believes it is time to become a fair and balanced city once again.

Buddy Daniels, Sherman Avenue, said he is the former Chair of Takoma Park Democrats. He said that he and the Republican Chair welcome anyone to come to Precinct 13, regardless of party. Anyone has the right to vote their position and not be intimidated.

Dan Robinson, Grant Avenue, asked about the parking plan for the gym. Was there feedback from staff?

Ms. Matthews replied that when this project was reviewed in its entirety, Park and Planning determined that since it is not a private development, it would not be held to highest standard of 216+ spaces. It was also anticipated that the City could channel the traffic and work with the school regarding activities. She said she would get more information and discuss the matter further with Mr. Robinson.

Mr. Robinson asked about consultant Dan Burden's idea of angled parking on Maple Avenue.

Ms. Matthews said that staff is reviewing the idea. We want to address concerns about backing into traffic. We also want to be careful not to push parking into adjacent neighborhoods. The architect said that there should be about 140 spaces on site.

Mr. Robinson commented about the proposed bonding for the community center. He said that there is a perception that the construction project is out of control and that the process is being manipulated. He asked for clarity about the public hearing process on the bond, and feels that the issue is below a lot of peoples' radar. What is the intention? He asked when is the end date for a decision on the scope of the bond.

Mr. Porter said that the hearing last week had been discussed at two or three prior Council meetings and there was a City Newsletter notice about the hearing. We have a Communications Office that has been charged with finding good ways to disseminate information.

Mr. Barry commented that he does not think there is any attempt to manipulate the process. He noted his suggestion last week of a mailing to all residents about what is being proposed, analysis of the options, its impact, etc.

Ms. Austin-Lane said she appreciates that Mr. Robinson is bringing forth the sentiment of the perception. She has read similar things on the listserv. It is imperative for us to reach out as much as possible. We are working with a January date for a decision.

Mr. Elrich said from his perspective, he does not know whether January is the right time. It will

be very difficult to vote on a bond in January without more information than we have at this time.

Mr. Robinson suggested that the issue of a bond be put on a ballot (a step beyond the flyer).

PRESENTATION

1. Update on the Community Center Construction Project.

Ms. Matthews explained the time line associated with the State DHCD Infrastructure Bond Program, and the discussions and public hearing requirements related to a decision on the bond.

Mr. Elrich asked if we apply in January, can we change the amount of borrowing before the obligation?

Ms. Matthews said we would need to submit an application of intent to the state prior to our application in January. She said she would also propose that the Council split the bonding—most immediately for completion of the main level and then have the community group convened to discuss the other elements before proposing an application in the Fall.

Mr. Elrich said he would also support reconvening the community group. We should ask people to take a hard look at the building and see what satisfies the needs.

Mr. Seamens said he will need to review the various plans, but he thinks that the greatest shortcoming in the project is lack of green features. We should look at how to include green features in the modifications.

Ms. Matthews said the final date for public hearing is January 10. According to City Clerk Waters, the notice of the hearing is approximately two weeks prior. Council will need to make a decision in December that they want to move forward with holding a public hearing. She remarked about the FY03 data available regarding debt load for jurisdictions in the state. Is this sufficient for the Council's review?

Mr. Elrich said he thinks it is sufficient, but he is more interested in the rating criteria.

Ms. Matthews said rating institutions conduct a very complicated process. Maryland does not have a statutory debt rate. I can share the information from the State Legislative Services and staff would be happy to call some jurisdictions to get information.

Mr. Barry said he recalls that there are about eight municipalities that are comparable to Takoma Park. He would support calling them for updated information.

Mr. Williams agreed with calling various municipalities for more current information.

Mr. Seamens commented that if we build it, we have to run it. We need to have numbers about staffing, operations, equipment, maintenance, etc.

Mr. Williams remarked about \$0.66 / \$100 assessed valuation of property. This would require about 4 cents on the tax rate. Would it be fair to say that this would effect about a 6% increase on the tax rate?

Ms. Matthews responded in the affirmative. She will provide additional information.

INTERVIEWS

2. Tree Commission - Cynthia Szymanski.

The Council interviewed Ms. Szymanski for appointment to the commission.

Ms. Porter noted that there are two candidates for one position. Council will need to discuss the selection or whether (as raised by the Council), there is an opportunity for the Council to consider expanding the membership.

3. Safe Roadways Committee - Suzanna Banwell.

The Council interviewed Ms. Banwell for appointment to the committee.

WORKSESSION

4. Emergency Management Committee.

Mr. Hobbs said we were before the Council a couple of months ago to discuss the establishment of an Emergency Preparedness Committee. At that time, there was some disagreement about the purpose. We have since worked out the concerns. He noted the primary mission. The Clerk has advised that this be a statutory committee, in as much as there is on-going, periodic reporting.

Mr. Kelemen (Chair of the PSCAC) commented that he is happy with outcome of the discussions.

Ms. Porter said she likes the specific list of objectives.

Mr. Elrich agreed.

Mr. Seamens asked if there is a mention of budget input?

Mr. Hobbs noted an item about input in the list of objectives. He commented on the recommended membership of the committee.

Ms. Porter said it would be nice if membership were spread out by ward, but it is not a requirement. Councilmembers can help with finding appointees. She asked Mr. Kelemen and staff to assist.

Ms. Porter said she will schedule the ordinance for adoption.

5. Contract for Photocopiers.

Mr. Hobbs explained the proposal for a contract with United Business Machines for Canon copiers. He noted some of the features of the machines and the quality of the maintenance agreement. There is some savings versus our current contract. This purchase would only require a single-reading ordinance since money is already in budget for copying.

Mr. Seamens noted the information on Sharp machines that he received in the mail.

Mr. Hobbs responded that this is a piggyback contract. We did not review Sharp copiers.

6. Cross-Jurisdictional Crime Prevention

Chief Creamer said that on September 13 she presented a proposal for the DC/Takoma Park area to replicate the model of the C-SAFE program in Takoma Langley. She had a meeting scheduled with the DC Police Chief to determine his level of interest in this idea. Unfortunately, at last minute it was cancelled. I had a few minutes after a COG meeting to determine whether he would be interested in talking about the idea. It seems that he is interested in a discussion; we have a meeting scheduled for December 1. I also have a meeting scheduled with DC Metro Police to discuss the plan. There was a previous meeting held on November 3.

Mr. Matthews commented that we were pleased with level of interest from officials from DC. She commented on some of the items that came up at the meeting (e.g., a deputization agreement).

Ms. Porter noted that the initial idea was that it would be a small meeting and it got larger. We need to make sure that have strong agreement from the immediate entities. She said she was gratified that the meeting attendees talked about moving toward deputization, but we also talked about immediate things that could be done prior to that.

Chief Creamer noted an example of how inter-jurisdictional cooperation would have been helpful in a recent robbery just over the line. She commented on the multi-jurisdictional roll calls. It builds stronger relationships between officers that work the area. Different information is shared. This will be a major undertaking. If we are lucky, we would have five jurisdictions involved (Takoma Park, Montgomery County, Prince George's County, DC, and Metro Transit Police). We will continue to look at available funding opportunities. We may have to use a mix of funding sources. She commented on a robbery that could have been handled differently had there been the inter-jurisdictional agreement.

Ms. Austin-Lane acknowledged having read of the incident. She noted that there was a cab driver killed in Takoma DC a few days ago. The perpetrator was tracked to a hotel on Georgia Avenue. This was a cross-border success. She said that there was something put out on e-mail with respect to DC not putting out an alert for two hours after the event. Will that be a point of discussion?

Chief Creamer said she cannot speak to the DC communications issue. We can talk about this point. She noted that DC has far more calls than Takoma Park. We can ask that the DC Commander look into this matter and verify whether there was a two-hour delay.

Ms. Austin-Lane asked when meetings with other jurisdictions will be scheduled.

Chief Creamer noted the December 1 meeting scheduled with DC. She has had communication with Metro Transit and Montgomery County. She will be making contact with Prince George's police. She had a preliminary discussion with the Metro Transit Police Chief who expressed interest.

Mr. Seamens commented regarding incident noted by Ms. Austin-Lane. The incident occurred at 8:50 with an 11:45 call-out by DC Police. He remarked about the DC analog radios. He asked if there has been thought about how we can improve our communications with DC Police.

Chief Creamer said she has not had time to think through some of the perceived problems of the DC Police. As we move forward, she thinks that a lot of these types of issues will become more apparent. She described the city's current radio system and commented on the current exchange of information between jurisdictions.

Mr. Seamens remarked about inclusion of Walter Reed security officers. In the past, they have been brought in.

Chief Creamer said we will need to establish the boundaries of the group.

Ms. Porter commented on the C-SAFE program. She would like to see the program expand beyond the police officer element. She has talked with Doug Gansler about this program who expressed willingness to work with the program in the prosecution role. We should pursue someone for the parole position.

Chief Creamer said she recalled the Katie Hill case and the meetings that took place. She became aware that this area had the potential for the makings of a Hot Spots team. What was missing was the parole/probation positions. She said she tried to steer the group toward the C-SAFE model, but it was not the right time. She made a lot of good contacts through that series of meetings.

Ms. Porter commented on next steps. Pull in the DC Police Department and then pull in the other jurisdictions. Start with the roll-call and then move toward the deputization. It would be a

nice interim step and then work toward the rest of the plan.

Chief Creamer said she thinks that the US Marshals will be the deciding factor in this effort. This is a rekindled idea from the late 80's and early 90's. They had someone on staff to oversee the program. Apparently, it did exist between DC and Prince George's County, but the US Marshals were at the base. At that time, there was an overwhelming issue with drugs. She has sent a copy of the old agreement to Ms. Matthews.

Ms. Matthews commented that there has been a commitment from the DC Mayor's office that they will work with the US Marshals to join the discussion.

Ms. Austin-Lane commented that this is a very important initiative. We need to do what is necessary to move this forward, even if involves city funds.

BREAK

The Council recessed for a scheduled break at 9:25 p.m. and reconvened at 9:36 p.m.

7. Laurel Avenue Construction

Iiona Blanchard provided a brief history of the discussion. She noted the staff proposal that the contract for the bollards be awarded to the lowest bidder. She described the bollards which are the most preferred by the community. The contract for the landscaping is recommended for the higher bidder (as recommended by the City Gardener and Arborist, who gave opinion about quality and level of service). The City has had experience with both firms that submitted bids. Staff continues to seek other sources of funding for the completion of the project. These contracts will consume the bulk of the funding.

Mr. Elrich asked how much will be left undone and is this consuming more funds than were anticipated?

Ms. Blanchard said it is about \$45,000 more of the \$275,000 than was assumed in July. In July, we were still short for the project. It includes ADA access, extending the curbs in a few areas. Most of these sections are fairly discrete so it can be done piecemeal. The \$35,000 that is left over will cover the design costs. However, any funds from the remaining contingency will be applied to the portions of the project that are next in priority. The County funding is included in the \$275,000.

Ms. Austin-Lane asked about the \$350,000?

Ms. Blanchard clarified that those funds are for the residential section. The design has been partially paid for.

Ms. Matthews confirmed that the remaining \$35,000 will be used to complete the design from

Columbia to Philadelphia.

Ms. Porter asked for confirmation that Westmoreland would be part of the commercial project.

Ms. Blanchard referred to the priority list. Westmoreland is the fourth item listed.

Mr. Williams asked how much are we short for everything?

Ms. Blanchard responded that we have requested an additional \$200,000. We have already received \$675,000.

Mr. Williams and Ms. Austin-Lane asked for details of the design as it stands now.

Ms. Blanchard noted it has changed in terms of the details with respect to landscaping

Ms. Austin-Lane asked about the concrete bed under the brick walk.

Ms. Blanchard said it is sand and, probably, unsettled fill. She described the new construction of the sub-base.

Ms. Porter remarked about crosswalks on Maple Avenue. They are very visible.

Ms. Blanchard said we received an estimate of \$5,000 each for the same type of crosswalks if installed on Carroll/Laurel Avenue (DuraTherm). When SHA does proceed with paving, we would recommend replacing our choice with the DuraTherm.

Ms. Porter noted that this will be brought forward for approval next week.

8. Contract for Rents Analyst.

Ms. Daines provided background on the proposal, noting the single bid received this afternoon. She described the role of and work of the rents analyst. The City has \$17,000 included in the FY05 budget for rents petitions, based on historical trends. Roughly, this covers about 60 petitions per year. We have already received 70 petitions this year. We will be coming back to the Council for additional funding. Mr. Varghese has not increased his fees during the contract period with the City. Staff will be recommending that his contract be renewed.

Mr. Seamens asked to what do you attribute the increase in number of petitions?

Ms. Daines said that, in part, it may have to do with the landlord certification process.

Ms. Porter noted that landlords who now know of the process can thank Councilmember Elrich, who insisted on the certification program.

Mr. Seamens asked how many more petitions are anticipated?

Ms. Daines said that staff estimates another 15 by end of calendar year. Once the air conditioning enforcement is implemented, we think that the numbers will increase.

Mr. Seamens asked what would it cost for a hardship petition with respect to tax increase?

Ms. Daines responded that we have not received a lot of hardship petitions, only two this year. We have one outstanding for the Essex House. The landlord estimated about \$4,000 to put together the petition. For the capital improvements petitions, Varghese said that he bills out \$150 per hour for petition. We have been pleased with his work to-date.

9. Quarterly Update - Finances and FY05 Budget Amendment No.1

Ms. Waters explained the budget amendment.

Ms. Mathews said she will provide much more detailed financial reports in the future to better mirror the presentation of audit material, so to assist the public in better tracking the report.

ADJOURNMENT

Council adjourned for the evening at 10:07 p.m.